IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl..No. 7531 of 2007()

CRIME 209/07 OF PULIKEEZHU POLICE STATION

PETITIONER/ACCUSED NO.1

K.R.SHEEBA, AGED 45 YEARS,
W/O JAYAPRABHU, KOCHUPARAMBIL APARNA VEEDU,
KADAPPRA, MANNAR P.O., NIRANAM.

BY ADV. SRI. K.SHAJ
SRI.SAJJU.S
SRI.B.BALRAJ

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7531 OF 2007

Dated this the 10th day of December, 2007

O R D E R

Application for anticipatory bail. Petitioner - a woman, faces allegations in a crime registered for an offence punishable, inter alia, under Section 471 IPC. She, it is alleged, had produced forged salary certificate in respect of her employment. She allegedly facilitated a co-accused to produce a false salary certificate. The petitioner was employed as a teacher in a school. The crux of the allegations against her is that forged salary certificates were produced by her as also a friend of her who was introduced by her to the bank. Such friend had also produced a forged salary certificate. The petitioner was a teacher of that school whereas the friend was not a teacher of that school and she had, representing herself to be a teacher of that school produced forged salary certificate to show that the friend of the petitioner who was not a teacher of that school was a teacher of that school and that salary certificate was issued by

the authorities of that school. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that there are no circumstances whatsoever justifying the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. in favour of the petitioner.

3. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I have perused the case diary. The case diary clearly reveals that the petitioner had produced forged salary certificate though the certificate in her name only shows the truth that the petitioner was employed in that school. But in respect of her friend, she had produced a forged salary certificate to show that she was employed in that school where she was not employed.

4. This, I agree with the learned Public Prosecutor, is a fit case where the petitioner must appear before the investigating officer or the learned Magistrate having

jurisdiction and then seek regular bail in the normal and ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

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